

Senate Bill No. 152

Passed the Senate June 1, 2011

Secretary of the Senate

Passed the Assembly August 25, 2011

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to repeal and add Section 6503.5 of the Public Resources Code, and to repeal Section 2 of Chapter 431 of the Statutes of 1977, relating to public lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 152, Pavley. Public lands: general leasing law: littoral landowners.

Existing law authorizes the leasing of lands owned by the state and under the jurisdiction of the State Lands Commission for purposes the commission deems advisable. Existing law requires the commission to appraise lands and fix the annual rent or other consideration upon receipt of an application to lease the land.

This bill would require the commission to charge rent for a private recreational pier, as defined, constructed on state lands and would require the rent to be based on local conditions and local fair annual rental values. The bill would except a lease in effect on July 1, 2011, for the term of that lease, and a lease for which the application and application fees were submitted to the commission prior to March 31, 2011.

Existing law prohibits rent from being charged for a private recreational pier, as defined, constructed on state lands for the use of a littoral landowner, as defined. Existing law requires the littoral landowner to pay the commission's expenses in issuing a lease or permit for the state lands.

This bill would repeal this law.

Existing law makes legislative findings concerning the construction and maintenance of private recreational piers on state waterways, declares legislative intent to provide for rent free private recreational piers to encourage members of the public to construct these piers, and states that these findings and intent are declaratory of existing law.

This bill would repeal those provisions.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) As provided by existing law, including Sections 6005 and 6501.1 of the Public Resources Code, the commission may lease state lands to private individuals and others for various purposes, including for the construction of a private recreational pier when the State Lands Commission determines the use is consistent with public trust needs and is in the best interests of the state.

(b) The use of state-owned lands for a private recreational pier is not a property right for littoral or riparian landowners, but a privilege granted by the State Lands Commission on behalf of the state.

(c) It is the intent of the Legislature to allow the State Lands Commission to charge fair annual rent for the use of state lands for private recreational piers, consistent with existing regulations in Title 2 of Division 3 of Chapter 1 of the California Code of Regulations.

SEC. 2. Section 6503.5 of the Public Resources Code is repealed.

SEC. 3. Section 6503.5 is added to the Public Resources Code, to read:

6503.5. (a) Consistent with Section 6503, the commission shall charge rent for a private recreational pier constructed on state lands. Rent shall be based on local conditions and local fair annual rental values.

(b) Subdivision (a) does not apply to either of the following:

(1) A lease in effect on July 1, 2011, for the term of that lease. If a lease in effect on July 1, 2011, expires or is otherwise terminated, the commission shall include fair annual rent provisions pursuant to subdivision (a) in the new lease contract.

(2) A lease for which the application and application fees were submitted to the commission prior to March 31, 2011.

(c) “Recreational pier” includes a fixed facility for the docking or mooring of boats.

SEC. 4. Section 2 of Chapter 431 of the Statutes of 1977 is repealed.

Approved _____, 2011

Governor